

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450-470 MHz band)	WT Docket No. 01-146
)	RM-9966
)	

**COMMENTS OF THE
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.**

The Industrial Telecommunications Association, Inc. (ITA) hereby respectfully submits its comments in response to the Federal Communications Commission's *Notice of Proposed Rule Making* (NPRM) in the above-referenced matter.¹ ITA commends the Commission's efforts to promote spectrum efficiency through the Land Mobile Communication Council's (LMCC) low power pool proposal. As discussed below, ITA broadly supports the LMCC's low power pool proposal and our views have been incorporated in the LMCC's filing today. We do, however, suggest that the Commission indefinitely grandfather high power incumbents currently operating outside of the top 100 urban areas on the 40 geographically sensitive channels in Group A of the Industrial/Business pool.

ITA is a Commission-certified frequency advisory committee coordinating in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate

¹ See Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450-470 MHz Band, WT Docket No. 01-146, *Notice of Proposed Rule Making*, (rel. July 24, 2001) (NPRM).

business and industrial/land transportation radio stations on frequency assignments allocated between 30-900 MHz.

ITA enjoys the support of a membership including more than 3,500 licensed two-way land mobile radio communications users, private mobile radio service (PMRS) oriented radio dealer organizations, and the following trade associations:

- Alliance of Motion Picture and Television Producers
- Aeronautical Radio, Inc.
- Associated Builders & Contractors, Inc.
- Florida Citrus Processors Association
- Florida Fruit & Vegetable Association
- National Mining Congress
- National Propane Gas Association
- National Ready-Mixed Concrete Association
- National Utility Contractors Association
- New England Fuel Institute
- United States Telephone Association

In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communication Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc.

In a *Report and Order* adopted on June 15, 1995, the Commission tasked the frequency advisory committees (FACs) to create a low power plan based on industry consensus that promotes efficient use of UHF spectrum.² In the subsequent *Second Report and Order* in the refarming proceeding, the Commission established a deadline for this industry consensus plan.³

² See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services, PR Docket No. 92-235, *Report and Order*, (rel. June 23, 1995).

³ See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services, PR Docket No. 92-235, *Second Report and Order* (rel. Mar. 12, 1997). Within this item the Commission also consolidated the twenty Private Land Mobile Radio Services into two pools—Industrial/Business and Public Safety.

In accordance with the Commission's mandate, the LMCC submitted, and asked that the Commission endorse, a low power plan for the 12.5 kHz offset channels in the 450-460 MHz band (hereinafter, Consensus Plan) on June 4, 1997.⁴ The Consensus Plan not only provided a list of available frequencies for low power operations, but also divided the channels into groups with specific use designations. On June 29, 2000, the Commission adopted the LMCC's consensus plan, but did not, however, accept the specified use designations, as they would have required modifications to the Commission's rules.⁵

On September 11, 2000, the LMCC filed a Petition for Rule Making (Petition) which again sought specific use designations for the low power pool.⁶ The Commission's NPRM now seeks comments on the LMCC's September 11th Petition.

ITA is an active member of the LMCC and fully supports the views expressed in their filing today. As a supplement to the LMCC's filing, however, ITA recommends that the Commission grandfather high power incumbents operating outside of the top 100 urban areas on the 40 geographically sensitive channels in Group A of the Industrial/Business pool.

As proposed in the NPRM, Group A in the Industrial/Business pool will reserve 50 channels for operations with a 5 watt maximum transmitter output power (TPO) on mobiles/portables and a 20 watt maximum ERP on base/fixed stations. The proposal would also cap the antenna height of applicants to 23 meters (75 feet) above ground level. Forty of the 50 channels are to remain low

⁴ See Letter from Larry Miller, President, LMCC, to Daniel Phythyon, Acting Chief, Wireless Telecommunications Bureau, Federal Communications Commission dated June 4, 1997.

⁵ See Wireless Telecommunications Bureau Accepts LMCC Low Power Plan for Part 90 450-470 MHz Band, DA 00-1359, by Public Notice (rel. June 29, 2000).

⁶ See 1998 Biennial Regulatory Review—47 C.F.R. Part 90 - Private Land Mobile Radio Services; Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, WT Docket No. 98-182, Petition for Rule Making of the Land Mobile Communications

power only within 50 miles of the top 100 urban areas, while allowing full power operations (which is capped at 500 watts) outside of the top 100 urban areas.⁷ The other 10 low power channels designated in this group are to be available on a nationwide basis.⁸

The NPRM seeks comments on a proposal for an intermediate power level outside of the top 100 urban areas in Group A.⁹ ITA supports the LMCC's position that full power operation should be allowed, through frequency coordination, on these 40 geographically sensitive channels outside of the top 100 urban areas.¹⁰ We believe proper frequency coordination procedures can adequately protect low power systems and high power licensees bordering the 80 km (50 mile) radius around the top 100 urban areas. This flexibility through coordination will allow the most efficient use of the spectrum, while intermediate power levels will simply add an additional power level split among geographic areas.

As the Commission noted in the NPRM, applications for high power operation were allowed on 12.5 kHz offset channels, if such an application were "accompanied by a statement from a frequency coordinator attesting that operation of a new high powered system would not impact any currently operating co-channel low power system."¹¹ Applicants licensed for high power operation on any of the 40 channels in Group A of the low power pool outside of top 100 urban areas were licensed on a non-interference basis to existing low power systems. These geographically sensitive systems should be allowed to continue their full power operations, as they are not creating

Council, submitted on September 11, 2000 (Petition).

⁷ Systems licensed for operation outside of the top 100 urban areas on these forty channels should not be considered in the low power pool since their geographic location places them outside of the low power regulations placed on proposed low power pool applicants.

⁸ NPRM at ¶ 13-18.

⁹ *Id.* at ¶ 15.

¹⁰ Petition at 6.

¹¹ NPRM at ¶ 16.

interference to existing low power users, and will not create interference for future applicants seeking low power pool channels if proper frequency coordination procedures are followed.

In conclusion, ITA supports the LMCC's filing and further urges the Commission to indefinitely grandfather the existing parameters of high power incumbents operating outside of the top 100 urban areas on the 40 geographically sensitive channels in Group A of the Industrial/Business pool.

Respectfully submitted,

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Date: October 12, 2001

CERTIFICATE OF SERVICE

I, Jeremy W. Denton, do hereby certify that on the 12th day of October 2001, I forwarded to the parties listed below a copy of the foregoing Comments of the Industrial Telecommunications Association, Inc. via U.S. mail:

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